

Research Article

Regional Realignments: Harmonizing Human Rights Frameworks in East and Southern Africa

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Abstract

This paper argues that creation of a coherent and efficient system of protection of human rights across the African continent is undermined by enormous structural and normative differences between the sub-regional schemes a case on the East African Community (EAC) and the Southern African Development Community (SADC). Through a critical comparative legal examination, the study examines the constitutive treaties, organizational frameworks, and enforcement bodies of the two regions. It describes significant variation in the binding nature of human rights instruments, regional court jurisdiction, and the political participation evident in member states. While each community formulates human rights principles, their application and enforcement in practice are unequal due to diverging legal standards and a lack of institutional strength. The article stresses the consequences of this fragmentation, such as restricted access to justice, absence of coherent jurisprudence, and undermining of legitimacy and authority of regional human rights institutions. For these purposes, the article proposes certain policy measures, such as harmonization of legal systems, strengthening judicial independence and expertise, and promotion of political accountability of member states. It contends that harmonizing the human rights systems of the EAC and SADC would not only increase legal certainty and improve coherence in application but also propel regional integration and cooperation. Ultimately, this study adds to ongoing scholarly and policy debate on strengthening human rights protection on the African continent by presenting practicable steps for overcoming sub-regional divisions and consolidating an integrated, effective continental system of human rights.

Keywords

Human Rights Systems, Harmonization, Comparative Analysis, Legal Frameworks, Political Will, Institutional Structures, Enforcement Mechanisms, Regional Integration

1. Introduction

The Sub-regional human rights systems are specialized frameworks designed to uphold and promote human rights within specific geographic areas. These systems, often established through treaties and agreements among member states, aim to address regional human rights concerns more effectively than global mechanisms.¹[1] Through, tailoring their

approaches to the unique cultural, social, and political contexts of their regions, these systems provide relevant and practical solutions to human rights issues. The African Charter on Human and Peoples Rights, for instance, reflects the distinct historical and socio-political landscape of Africa, offering protections that resonate deeply within the continent.²[2]

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Furthermore, the importance of regional human rights systems lies in their ability to complement international human rights efforts by providing localized enforcement and redress mechanisms. These systems enhance the protection and promotion of human rights by allowing individuals and groups to bring cases before regional courts or commissions. For example, the European Court of Human Rights under the Council of Europe enables individuals to seek justice for violations of the European Convention on Human Rights, thereby reinforcing human rights standards across Europe.³[3]

In Africa, specifically in sub-regional systems such as the East African Community (EAC) and the Southern African Development Community (SADC) have developed their own human rights frameworks. These systems address the specific needs and challenges faced by their member states, contributing to the broader objective of safeguarding human rights. However, the existence of dichotomies within these sub-regional systems for example, differences in legal frameworks, institutional capacities, and enforcement mechanisms poses significant challenges to harmonizing human rights protection across the continent. Addressing these dichotomies is crucial for ensuring consistent and effective human rights standards within and across sub-regional boundaries.

2. The East African Community (EAC) and the Southern African Development Community (SADC)

The East African Community (EAC) and the Southern African Development Community (SADC) are two prominent regional organizations in Africa, each playing a vital role in fostering economic integration, political cooperation, and sustainable development within their respective regions. Both organizations were established with the primary aim of enhancing regional cooperation and integration to promote economic growth, social progress, and political stability among their member states.

Moreover, the East African Community (EAC) aims to create a customs union and a common market to facilitate the free movement of goods, services, labour, and capital within the region. Establishing a monetary union is a long-term objective, with the ultimate goal of adopting a single currency for the member states.⁴[4] The EAC envisions a political federation, which would involve greater political integration and cooperation among the member states. Promoting regional infrastructure development, including transportation, energy, and communication networks, is also a key objective to enhance connectivity and economic growth.

3. The Historical Background and Objectives of EAC and SADC East African Community (EAC)

The East African Community (EAC), re-established in

2000, is a regional intergovernmental organization comprising Kenya, Uganda, Tanzania, Rwanda, Burundi, the Democratic Republic of Congo, Somalia and South Sudan. Its origins trace back to the East African Cooperation of the 1960s, which dissolved in 1977. The EAC aims to enhance regional integration and cooperation for economic, social, and political development, fostering trade, security, and infrastructure improvements among member states to promote sustainable growth and stability in the East African region.⁵[5]

3.1. East African Community (EAC)

The East African Community (EAC) is a regional intergovernmental organization of eight (8) Partner States: Comprising the Republic of Burundi, the Democratic Republic of Congo, Kenya, Rwanda, the Federal Republic of Somalia, South Sudan, Tanzania, and Uganda.⁶[6] The East African Community (EAC) has its roots in the colonial era, starting with the establishment of the East African High Commission (1948-1961). This was followed by the East African Common Services Organization (1961-1967), which eventually evolved into the East African Community (1967-1977). The initial EAC was created to enhance trade, customs, and infrastructure development cooperation among Kenya, Tanzania, and Uganda.⁷[7] However, it was dissolved in 1977 due to political and economic disagreements. The EAC was later reestablished on November 30, 1999, with its treaty becoming effective on July 7, 2000.⁸[8]

Furthermore, the objectives of the EAC, include the promotion of sustainable growth and development, strengthening and consolidating cooperation in political, economic, social, and cultural fields, enhancing the quality of life of the people in East Africa, and promoting peace, security, and stability within the region.⁹[9] The EAC also aims to establish a customs union, a common market, a monetary union, and ultimately a political federation.

3.2. Southern African Development Community (SADC)

The Southern African Development Community (SADC) was established in 1992 as a successor to the Southern African Development Coordination Conference (SADCC), founded in 1980. The SADCC's primary goal was to reduce the dependence of the member states, particularly on apartheid South Africa. The transformation from SADCC to SADC marked a shift from focusing on economic coordination to a broader agenda of economic integration and development.

The objectives of SADC, include promoting sustainable and equitable economic growth and socio-economic development, fostering regional integration, poverty alleviation, enhancing the standard and quality of life of the people of Southern Africa, and supporting the socially disadvantaged through regional integration. SADC also aims to achieve peace, security, and political stability, which are essential for regional development for example, in the history of SADC is the Mike

Campbell (Pvt) Ltd and Others v. Republic of Zimbabwe, where the SADC Tribunal ruled against the Zimbabwean government's land reform program, finding it discriminatory and in violation of the SADC Treaty.

4. The Foundational Legal Framework of the EAC Concerning Human Rights Systems

The legal framework for human rights within the East African Community (EAC) is primarily founded on the Treaty for the Establishment of the East African Community (1999). Article 6(d) of the EAC Treaty underscores the adherence to universally accepted human rights principles as one of the fundamental principles of the Community. Furthermore, Article 7(2) emphasizes the commitment to good governance, including the rule of law, social justice, and the recognition, promotion, and protection of human rights and also The Protocol on Good Governance, which is not yet fully operationalized but is a critical document that outlines standards for democracy, rule of law, and human rights within the EAC.

4.1. The Institutions and Mechanisms Concerning Human Rights Systems in EAC

The primary institution responsible for human rights protection within the EAC is the East African Court of Justice (EACJ). The EACJ has the jurisdiction to hear cases related to the interpretation and application of the EAC Treaty, including those concerning human rights violations. The EACJ has ruled on significant cases such as *The East African Law Society v. The Attorney General of the Republic of Kenya and Others*,¹⁰[10] where the court emphasized the importance of good governance and human rights adherence, another key body is the EAC Secretariat, which oversees the implementation of EAC policies and programs, including those related to human rights with the parties formulating EAC.

4.2. Human Rights Instruments in EAC

The EAC has adopted several human rights instruments to guide its member states. These include the EAC Human Rights Strategy and Plan of Action, which sets out a comprehensive framework for promoting and protecting human rights in the region. Additionally, significant protocols and declarations such as the Protocol on Peace and Security and the EAC Principles for Election Observation and Evaluation provide guidelines for maintaining democratic governance and safeguarding human rights.¹¹[11]

5. The Foundational Legal Framework of the SADC Concerning Human Rights Systems

The foundational legal documents of the Southern African Development Community (SADC) related to human rights include the SADC Treaty and the Protocol on Politics, Defense, and Security Cooperation. The SADC Treaty, signed on August 17, 1992, and entered into force on September 30, 1993, establishes the overarching legal and institutional framework for regional cooperation and integration. Article 4(c) of the SADC Treaty explicitly mandates the member states to uphold human rights, democracy, and the rule of law. The Protocol on Politics, Defense, and Security Cooperation, adopted in 2001, further reinforces the commitment to political stability, peace, security, and democratic governance in the region.

5.1. Institutions and Mechanisms

The key institutions responsible for human rights protection within SADC include the SADC Tribunal and the SADC Secretariat. The SADC Tribunal, established in 1992, served as a critical judicial body for adjudicating disputes and ensuring adherence to the SADC Treaty. However, its operations were suspended in 2010, following controversial rulings against the Zimbabwean government, particularly in *Mike Campbell (Pvt) Ltd and Others v Republic of Zimbabwe*, where the Tribunal found Zimbabwe's land reform program to be discriminatory, the SADC Secretariat, based in Gaborone, Botswana, plays a central role in implementing SADC policies and coordinating the activities of member states, including those related to human rights.

5.2. Human Rights Instruments

SADC has adopted several key human rights instruments to guide its member states. The SADC Protocol on Gender and Development (2008) aims to promote gender equality and eliminate discrimination against women. Additionally, the SADC Charter of Fundamental Social Rights (2003) sets out the basic social rights and freedoms that member states are committed to upholding. The SADC Principles and Guidelines Governing Democratic Elections (2004) provide a framework for conducting free, fair, and credible elections within the region.

6. Dichotomies for Harmonization of Human Rights Systems in EAC and SADC

The East African Community (EAC) and the Southern African Development Community (SADC) exhibit significant differences in their legal frameworks and foundational documents related to human rights. The EAC's legal framework is primarily anchored in the Treaty for the Establishment of the

East African Community, which explicitly incorporates human rights principles. Article 6(d) of the EAC Treaty mandates adherence to universally accepted human rights standards, while Article 7(2) emphasizes the promotion and protection of human rights, democracy, and the rule of law. However, in contrast the SADC Treaty, does not emphasize human rights as explicitly as the EAC Treaty. In which the SADC Treaty obligates member states to act by human rights, democracy, and the rule of law, but the emphasis on human rights is less pronounced compared to the EAC. The Protocol on Politics, Defense, and Security Cooperation further underscores political stability and security rather than a comprehensive human rights agenda.

6.1. The Institutional Mechanisms of Human Rights Systems in EAC and SADC

The institutional mechanisms for human rights protection in the EAC and SADC also reveal distinct approaches. The EAC has established the East African Court of Justice (EACJ), which has jurisdiction over disputes about the interpretation and application of the EAC Treaty, including human rights violations. The EACJ has been instrumental in adjudicating cases related to human rights, such as in the landmark case of *East African Law Society v Attorney General of Kenya and Others*, where the EACJ affirmed the importance of good governance and human rights adherence.

On the other hand, the SADC Tribunal, once a key institution for human rights protection, was suspended in 2010 following contentious rulings against Zimbabwe, notably in the case of *Mike Campbell (Pvt) Ltd and Others v Republic of Zimbabwe*. Wherein the case the tribunal decision was that The Tribunal ruled in favour of the applicants, finding that the Zimbabwean government had indeed violated their property rights and it was the Tribunal ordered the government to pay compensation to the farmers and to take steps to protect their property rights in the future suspension of the Tribunal has significantly weakened the judicial enforcement of human rights within SADC, highlighting a stark dichotomy in institutional robustness between the two regional bodies.

6.2. The Human Rights Instruments Concerning the EAC and SADC

This is clear that, both the EAC and SADC have adopted various human rights instruments, but their focus and implementation differ markedly. The EAC has developed a comprehensive Human Rights Strategy and Plan of Action, aiming to strengthen the regional human rights regime. Additionally, the EAC Principles for Election Observation and Evaluation provide guidelines to ensure democratic processes and the protection of political rights. In contrast, SADC's primary human rights instruments include the Protocol on Gender and Development, which focuses on eliminating gender discrimination and promoting equality. The SADC Charter of Fundamental

Social Rights sets out basic social rights but lacks a strong enforcement mechanism, reflecting a more declaratory approach rather than the actionable frameworks seen in the EAC.

6.3. Challenges and Achievements of EAC and SADC Concerning Human Rights Systems

The challenges in implementing and enforcing human rights in both the EAC and SADC highlight further dichotomies. The EAC faces challenges such as varying levels of commitment among member states and resource constraints but has achieved significant milestones in judicial activism through the EACJ. The progressive rulings of the EACJ have established important legal precedents and strengthened the regional human rights regime. Furthermore, Conversely, SADC's human rights system has been hindered by political resistance from member states and the suspension of the SADC Tribunal. This has led to a weakened enforcement mechanism and challenges in holding member states accountable for human rights violations. However, SADC has made strides in gender equality and social rights, evidenced by the adoption of the Protocol on Gender and Development and the Charter of Fundamental Social Rights.

7. The Rationale for Harmonization of Human Rights Systems in EAC and SADC

Harmonizing the human rights systems of the East African Community (EAC) and the Southern African Development Community (SADC) is essential for several reasons. Firstly, both regional bodies share overlapping memberships, with countries like Tanzania belonging to both, creating a need for consistent human rights standards to avoid conflicting obligations. For instance, the African Charter on Human and Peoples' Rights (ACHPR), which both EAC and SADC member states have ratified, serves as a foundational treaty emphasizing the need for harmonized human rights principles across Africa. Harmonization can enhance the enforcement of human rights by creating a unified framework that member states can implement more effectively. The African Court on Human and Peoples' Rights (AfCHPR) provides a good example, as it offers a centralized judicial body to address human rights violations across the continent, ensuring consistency in the interpretation and application of human rights laws. For Example, through cases how regional courts can address human rights issues that transcend national boundaries, emphasizing the need for harmonized standards.

Moreover, harmonized human rights systems can address cross-border issues such as migration, trafficking, and refugees more effectively. The SADC Protocol on the Facilitation of Movement of Persons and the EAC Common Market Protocol highlight the need for coherent policies to manage these issues. Harmonizing human rights standards can ensure that

the rights of migrants and refugees are protected consistently across the regions, reducing the risk of human rights abuses.

Therefore, harmonizing the human rights systems of EAC and SADC is crucial for creating a consistent and effective human rights protection framework, fostering regional integration, and addressing cross-border human rights issues. This harmonization will ensure that all member states adhere to the same standards, providing a robust mechanism for protecting and promoting human rights across East and Southern Africa. This argument is reinforced by various legal frameworks, case laws, scholarly articles, and international treaties that underscore the benefits and necessity of such harmonization.

8. The Strategies for Harmonizing EAC and SADC Human Rights Systems

Harmonizing the human rights systems of the East African Community (EAC) and the Southern African Development Community (SADC) is imperative to ensure consistent human rights protection across these regions. Given the overlapping memberships and similar socio-political contexts of these communities, aligning their human rights frameworks will enhance legal certainty, promote regional integration, and strengthen the protection of individual rights. This can be achieved through specific policy recommendations, institutional reforms, and steps towards legal harmonization.

8.1. The Policy Recommendations

To harmonize the human rights systems of the EAC and SADC, it is essential to adopt a unified human rights charter that incorporates the standards set by the African Charter on Human and Peoples' Rights (ACHPR). This unified charter would serve as a binding instrument for all member states, ensuring uniform human rights protections. Member states and regional organizations must play a crucial role in implementing these policies. They should commit to integrating the harmonized human rights standards into their national laws and constitutions. Regional bodies like the EAC and SADC should establish monitoring and enforcement mechanisms to ensure compliance and uphold human rights standards, stating that "regional integration can only be effective if accompanied by strong human rights frameworks."

8.2. The Institutional Reforms to Enhance the EAC and SADC Human Rights Systems

Enhancing the effectiveness of human rights institutions in both regions necessitates several institutional reforms. Firstly, both the EAC and SADC should strengthen their respective human rights commissions by providing adequate resources and greater autonomy. This includes ensuring that these institutions have the authority to investigate and address human rights violations independently.

Moreover, fostering collaboration between EAC and SADC institutions can significantly enhance their effectiveness. Sharing best practices, conducting joint training programs, and establishing regular communication channels can help harmonize approaches to human rights protection. Therefore, the value of inter-regional cooperation, noting that regional bodies can learn from each other's experiences and adopt best practices to improve human rights protection.

8.3. The Legal Harmonization Steps to Enhance the EAC and SADC Human Rights Systems

Aligning the legal frameworks and human rights instruments of the EAC and SADC requires a multi-step approach. First, conducting a comprehensive review of existing human rights laws and treaties in both regions is essential. Identifying discrepancies and areas for alignment will pave the way for drafting a unified legal framework.

Furthermore, establishing a joint EAC and the SADC legal harmonization task force can oversee the alignment process. This task force should include legal experts, representatives from member states, and civil society organizations. Engaging international organizations like the United Nations and the African Union can provide technical support and ensure that the harmonization efforts adhere to international human rights standards. Harmonizing the human rights systems of the EAC and SADC requires specific policy recommendations, institutional reforms, and coordinated legal harmonization steps. By adopting a unified human rights charter, strengthening regional human rights institutions, and aligning legal frameworks, member states can ensure consistent and robust human rights protection across East and Southern Africa. The involvement of international organizations and stakeholders will be instrumental in supporting these efforts, as highlighted by various case laws, books, articles, and treaties.

9. The Comparative Analysis of EAC and SADC Human Rights Systems

The human rights systems of the East African Community (EAC) and the Southern African Development Community (SADC) are integral to the promotion and protection of human rights within their respective regions. Both systems have unique legal frameworks, institutional mechanisms, and jurisprudence that shape their human rights landscapes. This comparative analysis examines these systems.

9.1. The Comparative Analysis of EAC and SADC Human Rights Systems Based on the Legal Frameworks and Treaties

The East African Community (EAC) is governed by the EAC Treaty of 1999, which serves as its foundational legal

document. The Treaty emphasizes regional cooperation and integration with a commitment to principles of good governance, democracy, and human rights.¹²[12] The East African Court of Justice (EACJ) was established through the EACJ Protocol of 2004, providing a judicial mechanism for the interpretation and application of the Treaty, albeit with limited direct jurisdiction over human rights cases. The EAC member states are also parties to the African Charter on Human and Peoples Rights (ACHPR) which further embeds human rights obligations within the region.

Furthermore, the Southern African Development Community (SADC), the legal framework of the Southern African Development Community (SADC) is based on the SADC Treaty of 1992, which outlines the community's objectives, including regional integration, sustainable development, and adherence to principles of democracy and human rights. The SADC Tribunal, established by the SADC Tribunal Protocol of 2000, was intended to adjudicate disputes arising from the Treaty, including human rights issues. However, its jurisdiction was effectively nullified following a suspension in 2010 and subsequent political decisions (SADC Tribunal Protocol, 2000). Similar to the EAC, SADC member states are also bound by the ACHPR.

9.2. Jurisdictional Scope and Operational Status

The jurisdictional scope and operational status of the EACJ and SADC Tribunal highlight another key dichotomy. The EACJ has limited jurisdiction in human rights matters, primarily addressing violations indirectly through its mandate to interpret the EAC Treaty. This limitation is evident in cases like *Katabazi & 21 Others v. Secretary General of the EAC and Another* (2007), where the EACJ could only address the issue as it related to the Treaty. Therefore, the SADC Tribunal had explicit jurisdiction over human rights cases, allowing it to directly adjudicate such matters. For instance, in the landmark case *Mike Campbell (Pvt) Ltd. and Others v. Republic of Zimbabwe*, the tribunal found Zimbabwe in violation of the SADC Treaty for racial discrimination and the unlawful seizure of property. However, the suspension of the Tribunal in 2010 following political pressure from Zimbabwe revealed significant challenges in the enforcement of its decisions and the political dynamics within the SADC region.

9.3. The Similarities and Differences in Foundational Documents and Legal Structures

The similarity is that both the EAC and SADC share a commitment to human rights, democracy, and good governance as articulated in their foundational treaties. The EAC Treaty (1999) and the SADC Treaty (1992) emphasise regional cooperation and integration, with explicit references to human rights principles in the EAC Treaty, Article 6(d), 1999 and SADC Treaty, Article 4(c), 1992. Furthermore, both regional

bodies operate within the broader framework of the ACHPR (1981), which mandates member states to uphold a wide range of human rights.¹³[13]

Moreover, the differences between the EAC and SADC are more pronounced in their legal structures and operational mechanisms. The EACJ has a more defined role in interpreting and applying the EAC Treaty, albeit indirectly addressing human rights issues. In contrast, the SADC Tribunal initially had a direct mandate to handle human rights cases but faced significant political challenges leading to its reduced role. The EACJ's jurisprudence, such as in *Katabazi v. Secretary General of the EAC*,¹⁴[14] has shown a willingness to uphold rule of law principles even when not explicitly addressing human rights. Therefore, while both the EAC and SADC are committed to human rights within their legal frameworks, their effectiveness and operational mechanisms differ significantly due to structural and political challenges. The EAC's indirect approach through the EACJ contrasts with the SADC Tribunal's direct but politically impeded mandate, reflecting the complexities of regional human rights enforcement in Africa.

9.4. The Institutional Structure of EAC and SADC Concerning the Human Rights Structure

The institutional structures of the East African Community (EAC) and the Southern African Development Community (SADC) reveal contrasting approaches to human rights protection through their respective judicial bodies, the EACJ and the SADC Tribunal. The East African Court of Justice (EACJ), established under the EAC Treaty (1999) and operationalized through the EACJ Protocol (2004), primarily interprets and applies the Treaty, indirectly addressing human rights issues.¹⁵[15] For example, in the case of *Katabazi v. Secretary General of the EAC*.¹⁶[16] In contrast, the SADC Tribunal, established under the SADC Treaty (1992) and the SADC Tribunal Protocol (2000), initially had a direct mandate to handle human rights cases, exemplified by the *Mike Campbell (Pvt) Ltd v. Republic of Zimbabwe*,¹⁷[17] where the Tribunal ruled against Zimbabwe's discriminatory land reform policies, showcasing its potential to protect human rights. Nevertheless, while both the EAC and SADC have established frameworks aimed at promoting and protecting human rights, the EAC's approach is characterized by indirect human rights enforcement through general treaty provisions and the ACHPR, with limited specific instruments dedicated to human rights. The SADC, although initially adopting more direct human rights instruments, has faced significant enforceability issues due to political interference, particularly affecting the functionality of the SADC Tribunal. The effectiveness of these regional human rights instruments thus depends heavily on the political will of member states and the operational independence of their judicial bodies.

10. The Challenges in Implementing and Enforcing Human Rights Within EAC and SADC

The East African Community (EAC) faces significant challenges in implementing and enforcing human rights, primarily due to political instability and varying degrees of commitment to human rights norms among member states. Issues such as corruption, limited judicial independence, and political interference hinder the effective enforcement of human rights laws. For instance, the East African Court of Justice (EACJ) has faced limitations in its jurisdiction, particularly in handling human rights cases directly, as highlighted in cases like *Katabazi & 21 Others v. Secretary General of the East African Community & Another* (2007), where the court's mandate was questioned.¹⁸[18]

10.1. Southern African Development Community (SADC)

The SADC struggles with political interference and inconsistent adherence to human rights norms. The suspension of the SADC Tribunal in 2010, following its rulings against Zimbabwe in cases such as *Mike Campbell (Pvt) Ltd. and Others v. Republic of Zimbabwe* (2008), exemplifies the challenges of maintaining judicial independence and enforcing human rights judgments.¹⁹[19] Furthermore, the lack of a binding regional human rights charter similar to the African Charter on Human and Peoples Rights limits the SADC's ability to uniformly enforce human rights standards across member states.²⁰[20]

10.2. The Notable Achievements and Strengths of the SADC Human Rights System

The SADC has made significant strides in promoting human rights. One notable achievement is the adoption of the SADC Protocol on Gender and Development in 2008, which sets clear targets for gender equality and addresses gender-based violence. This protocol has contributed to substantial progress in women's representation in political and decision-making positions across the region.²¹[21]

Moreover, the SADC has played a crucial role in conflict resolution and peacebuilding efforts, which indirectly support the protection of human rights. The organization's mediation efforts in political crises in countries like Madagascar and Lesotho have been instrumental in restoring constitutional order and preventing large-scale human rights abuses.²²[22] The SADC's initiatives in regional economic integration, such as the establishment of the SADC Free Trade Area in 2008, also contribute to the realization of economic and social rights by promoting economic development and reducing poverty. Therefore, while both the EAC and SADC face significant challenges in implementing and enforcing human rights due

to political instability, judicial independence issues, and lack of uniform standards, they have also made important strides in promoting gender equality, conflict resolution, and economic integration. These achievements highlight the potential of regional organizations to enhance human rights protections, even as they continue to navigate complex political environments and work towards more robust enforcement mechanisms.

11. Conclusion

The comparison of the EAC and SADC human rights systems reveals distinct approaches and challenges in regional human rights protection. The EAC relies on broad principles embedded in the EAC Treaty (1999) and the African Charter on Human and Peoples Rights (1981), with the EACJ playing an indirect but crucial role in upholding human rights through its judicial interpretations, as articulated in the case of *Katabazi v. Secretary General of the EAC*.²³[23] Furthermore, the SADC initially adopted a more direct approach with the SADC Treaty (1992) and the Protocol on Gender and Development (2008), yet its efforts were significantly hampered by the political undermining of the SADC Tribunal, highlighted by *Mike Campbell (Pvt) Ltd v. Republic of Zimbabwe* (2007). Therefore, these dichotomies are essential for the effective protection of human rights in both regions. The path forward requires a concerted effort to strengthen regional human rights instruments, promote good governance, and ensure the robust protection of human rights across the EAC and SADC regions.

Abbreviations

EAC	East African Community
EACJ	East African Court of Justice (EACJ)
SADC	Southern African Development Community
ACHPR	African Commission on Human and Peoples' Rights

Author Contributions

Jackson Marwa Oringa is the sole author. The author read and approved the final manuscript.

Conflicts of Interest

The author declares no conflicts of interest.

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